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SPECIALIZING IN PATENTS, TRADEMARKS & COPYRIGHTS

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To: Examienr HollowayFrom: CharlieCompany: US PTOFacsimile No. 1 571 273 3058Subject: S/N 10/020,334 Docket CM3513J Bautista et al.

Examienr Holloway,

Enclosed is a copy of discussion points for our telephone conversation scheduled for 2PM EDT. I will call you. I can be reached at 817 581 7005 if need be.

Best Regards, Charles W. Bethards Reg. # 36453

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DRAFT FOR DISCUSSION PURPOSES ONLY**September 21, 20004****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.: 10/020,334 Confirmation No. 1739
Applicants: Bautista, et al.
Filed: December 12, 2001
TC/A.C.: 2635
Examiner: Holloway III, Edwin C.
Docket No.: CM03513J/10-41
Customer No.: 23400
Title: RECEIVER FOR AND METHOD OF EXTENDING BATTERY
LIFE

DISCUSSION FOR RESPONSE AFTER FINAL

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action of July 15, 2004, Applicant's representative would like to discuss the following points pursuant to advising the Applicant and developing an action plan for this application. Applicant's representative would appreciate any suggestions the Examiner may have in further distinguishing the invention.

Discussion points:

I. Yamada et al. '701 is non-analogous art. Why would a practitioner be motivated to even look at this reference, while trying to invent an ultra low powered messaging receiver. The reference shows a messaging receiver used to activate a radio telephone and thereby reduce power consumption of the telephone. Claim 1 (see below) recites a first receiver with low power consumption that is used to activate a messaging receiver thereby extending battery life.

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I. (Previously Presented) A selective call communications unit arranged and constructed for extended battery life comprising in combination:

a first receiver having low power consumption for receiving a call signal to provide an enable signal; and

a messaging receiver different than said first receiver, activated by said enable signal, for receiving a message intended for the selective call communications unit.

II. Yamada et al. ('701) does not show or suggest the claimed invention. Yamada does not show either a messaging receiver activated by another receiver or a first receiver with low power consumption. Yamada shows a messaging receiver used to activate a radio telephone, e.g. high consumption receiver.

III. Re: claim 2 (see below) - It is not appropriate to use Applicant's background statement since that material, in context, teaches away from using the disclosed low power receivers in this field, e.g.

"Current selective call receivers with more or less requisite processing capacities have demonstrated battery life from days for cellular receivers to 1-2 months for some messaging devices, which is insufficient. These receivers presently use a duty cycle comprising a periodic scheduled short on or wake cycle followed by a long off or sleep cycle to extend battery life to these levels. Even at the duty cycles being used the latency or delay associated with service availability is generally believed to be marginal for some

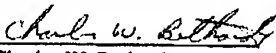
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applications and unacceptable in others. Very low power consumption receivers that are known such as regenerative or passive receivers do not have the sophistication, performance, or processing capabilities needed for most present day applications."

2. (Original) The selective call communications unit of claim 1 wherein said first receiver is one of a super regenerative receiver, regenerative receiver, tuned radio frequency receiver, ultrasonic receiver, and passive receiver.

Respectfully submitted,


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